

THURSDAY, MARCH 12, 1998
SEVENTY-THIRD LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Speaker Pro Tempore Lois DeBerry.

The proceedings were opened with prayer by Dr. Nokomis Yeldell, Norris Road Church of Christ, Memphis, Tennessee.

Representative John DeBerry led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Kerr; business reasons

Representative Turner(Hamilton); illness

PERSONAL ORDERS

RULES SUSPENDED

Rep. Patton moved that the rules be suspended for the purpose of introducing House Resolution No.172 out of order, which motion prevailed.

House Resolution No. 172 -- Memorials, Professional Achievement - Naimee Coleman. by *Patton.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Patton, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes..... 93
Noes 1

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Boner, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Armstrong -- 1.

A motion to reconsider was tabled.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 583: Rep(s). Sharp, McAfee, Wood and Brown as prime sponsor(s).

House Joint Resolution No. 584: Rep(s). Sharp, McAfee, Wood and Brown as prime sponsor(s).

House Joint Resolution No. 585: Rep(s). Sharp, McAfee, Wood and Brown as prime sponsor(s).

House Joint Resolution No. 586: Rep(s). Sharp, McAfee, Wood and Brown as prime sponsor(s).

House Joint Resolution No. 587: Rep(s). Sharp, McAfee, Wood and Brown as prime sponsor(s).

House Bill No. 530: Rep(s). Boyer, Givens, Cole(Dyer), Huskey, Stulce, Davis, Hicks, Mumpower, Godsey, Walker(Blount), Bowers, J. DeBerry and U. Jones as prime sponsor(s).

House Bill No. 1446: Rep(s). McDaniel as prime sponsor(s).

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House Bill No. 2080: Rep(s). Brooks and Langster as prime sponsor(s).

House Bill No. 2090: Rep(s). Walker(Blount) and Hargett as prime sponsor(s).

House Bill No. 2103: Rep(s). Newton as prime sponsor(s).

House Bill No. 2286: Rep(s). Fowlkes as prime sponsor(s).

House Bill No. 2310: Rep(s). Haley, Hargett and Pleasant as prime sponsor(s).

House Bill No. 2315: Rep(s). Haley, Hargett and Pleasant as prime sponsor(s).

House Bill No. 2358: Rep(s). Pleasant, Haley and Hargett as prime sponsor(s).

House Bill No. 2497: Rep(s). Bird and Brooks as prime sponsor(s).

House Bill No. 2512: Rep(s). Fraley, Kent and Cole(Carter) as prime sponsor(s).

House Bill No. 2907: Rep(s). Langster as prime sponsor(s).

House Bill No. 2908: Rep(s). Boyer, Davidson, McDaniel, Chumney, Bone, Pinion, Cross, Tidwell, Sands, Brooks, Beavers, Curtiss, Bird, Ferguson, Caldwell, Dunn, U. Jones, J. DeBerry, Kent, Cole(Carter) and Towns as prime sponsor(s).

House Bill No. 2932: Rep(s). Fraley, Davis, Stulce and Walker(Rhea) as prime sponsor(s).

House Bill No. 3132: Rep(s). Langster and Pruitt as prime sponsor(s).

House Bill No. 3164: Rep(s). Pleasant, Haley and Hargett as prime sponsor(s).

House Bill No. 3165: Rep(s). Haley, Hargett and Pleasant as prime sponsor(s).

House Bill No. 3217: Rep(s). S. Jones as first prime sponsor(s).

House Bill No. 3338: Rep(s). Gunnels as prime sponsor(s).

House Bill No. 3341: Rep(s). Pleasant, Haley and Hargett as prime sponsor(s).

MESSAGE FROM THE GOVERNOR

March 12, 1998

MR. SPEAKER: I am directed by the Governor to return House Bill(s) No(s). 2987, as requested by the House.

COURTNEY PEARRE, Counsel to the Governor.

ENROLLED BILLS

March 12, 1998

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2025, 2116, 2121, 2359, 2481 and 2739; also, House Joint Resolution(s) No(s). 571.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

March 12, 1998

The Speaker signed the following: House Bill(s) No(s). 2025, 2116, 2121, 2359, 2481 and 2739; also, House Joint Resolution(s) No(s). 571.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 12, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2801; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 12, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2229; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 12, 1998

MR. SPEAKER: I am directed by the Senate to request the return of House Bill(s) No(s). 2987 for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 12, 1998

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 556, 557, 558, 559, 560, 562 and 563; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 12, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 510; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 510 -- Memorials, Public Service - Lytle"Jug" Landers. by *Womack.

MESSAGE FROM THE SENATE
March 12, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2685; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 12, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 511; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 511 -- Memorials, Public Service - Bernice Martin. by *Womack.

MESSAGE FROM THE SENATE
March 12, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2987. The Senate lifted the tabling motion on the bill; reconsidered passage of the bill; adopted Amendment No. 1; then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 12, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2025, 2116, 2121, 2359, 2481 and 2739; also, House Joint Resolution(s) No(s). 571; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 12, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 403; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED
March 12, 1998

The Speaker signed the following: Senate Bill(s) No(s). 2060, 2190, 2238, 2297, 2320, 2328, 2335, 2407, 2428, 2522, 2563, 2809, 3005, 3052, 3068, 3151 and 3164; also, Senate Joint Resolution(s) No(s). 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 484, 485, 486, 487, 488, 489, 493, 502 and 507.

SIGNED
March 12, 1998

The Speaker signed the following: Senate Joint Resolution(s) No(s). 403.

MESSAGE FROM THE SENATE
March 12, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 499, 503 and 504; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 499 -- Memorials, Personal Achievement - Susan Bassal, 1996 Miss Teen Tennessee. by *Crowe, *Cooper.

Senate Joint Resolution No. 503 -- Naming and Designating - "Safe Driver Awareness Weeks.", by *Gilbert, *Cooper, *Dixon.

Senate Joint Resolution No. 504 -- Memorials, Public Service - Barbara Melton, 1998 White House Citizen of the Year. by *Graves.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 590** -- General Assembly, Confirmation of Appointment - Roosevelt Allen, Tennessee Forestry Commission. by *Boyer.

Agriculture Committee

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House Resolution No. 171 -- Naming and Designating - "American Horticulture Society Week," April 30-May 2, 1998. by *Buck.

Agriculture Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 16, 1998:

House Joint Resolution No. 596 -- Memorials, Professional Achievement - Paul Craig, Flight Instructor of the Year. by *Williams (Williamson).

House Joint Resolution No. 597 -- Memorials, Sports - Harris Jones, Wendy's High School Heisman Trophy finalist. by *Pinion, *Phelan.

House Joint Resolution No. 598 -- Memorials, Death - Larry Vann. by *Goins.

House Joint Resolution No. 599 -- Memorials, Death - Coach DeWitt Weaver. by *Burchett.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for March 16, 1998:

Senate Joint Resolution No. 499 -- Memorials, Personal Achievement - Susan Bassal, 1996 Miss Teen Tennessee. by *Crowe, *Cooper.

Senate Joint Resolution No. 504 -- Memorials, Public Service - Barbara Melton, 1998 White House Citizen of the Year. by *Graves.

Senate Joint Resolution No. 510 -- Memorials, Public Service - Lytle "Jug" Landers. by *Womack.

Senate Joint Resolution No. 511 -- Memorials, Public Service - Bernice Martin. by *Womack.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 389** -- General Assembly, Directed Studies - Continues study by TACIR of tax issues mandated by SJR 139 and Public Chapter 301. by *Crutchfield.

Finance, Ways & Means Committee

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***Senate Joint Resolution No. 405** -- Memorials, Government Officials - Urges state agencies to cease or limit use of fescue grasses on state property. by *Cooper.

State & Local Government Committee

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2192** -- Taxes, Real Property - Specifies public records to be searched by delinquent tax attorney for giving notice to persons having interest in property to be sold are those records in offices of assessor of property, trustee and register of deeds. TCA Title 67. by *Rochelle.

Senate Bill No. 2894 -- Lobbying, Lobbyists - Exempts unpaid lobbyists from paying occupational privilege tax. TCA Sections 3-6-104 and 3-6-113. by *Henry, *Crowe.

***Senate Bill No. 2954** -- Polygraph - Prohibits polygraph examinations with respect to employment from inquiring into areas covered by the Americans with Disabilities Act; makes other administrative changes with respect to polygraph examiners. TCA Title 62, Chapter 27. by *Gilbert.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3384 -- Bartlett -- Local Bill Held on House Desk

House Bill No. 3385 -- Roane County -- Local Bill Held on House Desk

***House Bill No. 3386** -- Utilities, Utility Districts -- Local Bill Held on House Desk

House Bill No. 3387 -- Dandridge -- Local Bill Held on House Desk

House Bill No. 3388 -- School Districts, Special -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **March 12, 1998**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **March 16, 1998**: House Bill(s) No(s). 2577, 3095, 2273, 2315, 3165, 2358, 2556, 3052, 3162 and 3164.

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The Committee set the following bill(s) and/or resolution(s) on the **Regular Calendar** for **March 18, 1998**: House Bill(s) No(s). 3191, 2316, 2310, 2313, 3341, 3064, 3003, 2664, 3304, 2579, 2390, 3101, 2284 and 2779.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **March 16, 1998**: House Bill(s) No(s). 2900, 2713, 2248, 2211, 2139 and House Resolution(s) No(s). 157.

CONSENT CALENDAR

House Resolution No. 170 -- Memorials, Death - Pamela Sue Douglas. by *Davidson, *West.

House Resolution No. 172 -- Memorials, Professional Achievement - Naimee Coleman. by *Patton.

House Joint Resolution No. 582 -- Memorials, Professional Achievement - Tommy Bradberry, Rural Director of the Year. by *Maddox.

House Joint Resolution No. 583 -- Memorials, Recognition and Thanks - Doyle Cagle. by *Stulce.

House Joint Resolution No. 584 -- Memorials, Sports - 1997 Baylor School girls' soccer team, TSSAA Division II state champions. by *Stulce.

House Joint Resolution No. 585 -- Memorials, Sports - 1997 Baylor School girls' golf team, TSSAA Division II state champions. by *Stulce.

House Joint Resolution No. 586 -- Memorials, Sports - 1997 Baylor School cross country team, TSSAA Division II state champions. by *Stulce.

House Joint Resolution No. 587 -- Memorials, Sports - Baylor School girls' volleyball team, 1997 TSSAA Division II state champions. by *Stulce.

House Joint Resolution No. 588 -- Memorials, Retirement - Lee Roy Kiesling. by *Maddox.

House Joint Resolution No. 589 -- Memorials, Recognition and Thanks - National Rifle Association's Eddie Eagle Gun Safety Program. by *Ford S.

House Joint Resolution No. 591 -- Memorials, Death - Wanda Martin Valentine. by *Davis R, *Whitson.

House Joint Resolution No. 592 -- Memorials, Recognition and Thanks - Newport Grammar School, 100th anniversary. by *Davidson.

House Joint Resolution No. 594 -- Memorials, Recognition and Thanks - Emilee Jordan. by *Hood, *Eckles.

House Joint Resolution No. 595 -- Memorials, Public Service - Anathia and Fred D. Beneby, Jerry Anderson Humanitarian Award recipients. by *Hood, *Eckles.

Senate Joint Resolution No. 492 -- Memorials, Death - Brandon Dudley. by *Herron.

Senate Joint Resolution No. 494 -- Memorials, Personal Achievement - Philip Barfield, Eagle Scout. by *Crutchfield.

Senate Joint Resolution No. 495 -- Memorials, Sports - 1997 Trousdale County High School football team, TSSAA Division 1, Class A state champions. by *Rochelle.

Senate Joint Resolution No. 496 -- Memorials, Academic Achievement - Jack Willard Carey, III. by *Rochelle.

Senate Joint Resolution No. 497 -- Memorials, Academic Achievement - Rebecca Mungle, Salutatorian, Trousdale County High School. by *Rochelle.

Senate Joint Resolution No. 498 -- Memorials, Professional Achievement - Steve Mackie, "Trooper of the Year," Cookeville District Highway Patrol. by *Burks, *Cooper, *Kyle.

On previous motion, the Rules were suspended to adopt House Resolution No. 172.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Towns, Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 2512** -- Pensions and Retirement Benefits - Extends Group 3 eligibility for service retirement to those completing 30 years creditable service. Amends TCA Section 8-36-201(c). by *Rhinehart, *Lewis. (SB2723 by *Cooper)

Rep. Rhinehart moved that **House Bill No. 2512** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 92
 Noes 0
 Present and not voting 2

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Beavers, Dunn -- 2.

A motion to reconsider was tabled.

House Bill No. 2901 -- Public Funds and Financing - Extends dates for and rewrites parts of internal accounting and administrative control laws under Financial Integrity Act. TCA Title 9, Chapter 18, Part 1. by *Kisber. (*SB3014 by *Henry)

On motion, House Bill No. 2901 was made to conform with **Senate Bill No. 3014**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that **Senate Bill No. 3014** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
 Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Kernell -- 1.

A motion to reconsider was tabled.

House Bill No. 2235 -- Bond Issues - Authorizes Bedford County utility district, acting by resolution, to issue and sell revenue bonds in an amount not to exceed \$2.7 million for purpose of building and operating waste water treatment plant and water and sewer lines. by *Phillips. (*SB2252 by *Wormack)

On motion, House Bill No. 2235 was made to conform with **Senate Bill No. 2252**; the Senate Bill was substituted for the House Bill.

Rep. Phillips moved that Senate Bill No. 2252 be passed on third and final consideration.

On motion, Rep. Kisber withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. Phillips moved that **Senate Bill No. 2252** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2286** -- County Officers - Authorizes register of deeds of Lincoln County to collect \$2.00 data processing fee for purchase and maintenance of computers and supplies upon adoption of resolution by 2/3 vote of county legislative body. TCA Section 8-21-1001. by *Phillips. (SB2384 by *Cooper)

Rep. Phillips moved that House Bill No. 2286 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2286 by adding the following language at the end of the amendatory language of Section 1:

The county register shall not be entitled to demand and receive any fees for notices of liens for overdue child or spousal support or releases of the same entered into a computer system with a terminal in the county register's office by the department of human services pursuant to §36-5-901(b)(3).

On motion, Amendment No. 1 was adopted.

Rep. Phillips moved that **House Bill No. 2286**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 91
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tindell, Towns, Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 2908 -- Tennessee Regulatory Authority - Prohibits slamming of telephone companies; requires TRA to maintain web site for consumer complaints. TCA Title 65, Chapter 4, Part 1. by *Hargrove, *Naifeh, *West, *DeBerry L., *Rinks, *Arriola, *McDonald, *Kisber, *Williams (Williamson), *Fraley, *Hood, *Miller L., *Sands, *Ridgeway, *Fitzhugh, *Maddox, *Stulce, *Robinson, *Bowers, *Cole (Dyer), *Pruitt, *White, *Cooper B., *Ritchie, *McMillan, *Lewis, *Newton, *Jones, S., *Turner (Shelby), *Langster, *Mumpower, *Walker (Blount), *Turner (Hamilton), *Hargett, *Haley, *Pleasant, *Wood, *Kernell. ('SB2548 by *Kyle)

Rep. Hargrove moved that House Bill No. 2908 be passed on third and final consideration.

Rep. West moved adoption of Consumer and Employees Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2908 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 65, Chapter 4, Part 1, is amended by adding the following as a new section:

Section _____. (a) No telecommunications service provider, and no person acting on behalf of any telecommunications service provider, shall knowingly designate or change the provider of telecommunications services to a subscriber without the authorization of such subscriber.

(b) No telecommunications service provider, and no person acting on behalf of any telecommunications service provider, shall knowingly bill and collect from any subscriber to telecommunications services any charges for services to which such subscriber has not subscribed, or any amount in excess of that specified in the tariff or contract governing the charges for such services.

(c) The Tennessee regulatory authority shall establish a consumer complaint form on the internet for reporting telecommunications service providers or persons acting on their behalf who charge the provider of telecommunications services in violation of the provisions of this act. Any internet sites which are maintained by the authority, the general assembly or the governor's office shall contain a link to such form.

(d) The Tennessee regulatory authority shall adopt rules implementing the provisions of this section, including, without limitation, rules specifying the manner in which subscriber authorization may be obtained and confirmed.

(e) The Tennessee regulatory authority may entertain and decide complaints and issue orders, including, without limitation, show cause orders, to enforce the provisions of this section and its rules against any telecommunications service provider, or any person acting on behalf of any telecommunications service provider.

SECTION 2. This act shall not have the effect of superseding any existing rules of the Tennessee regulatory authority, or any order or proceeding to enforce such existing rules. Any such existing rules shall remain in effect until such time as the Tennessee regulatory authority adopts new rules pursuant to this act.

SECTION 3. This act shall not have the effect of amending or superseding any provisions of the Tennessee Consumer Protection Act found in Tennessee Code Annotated, Title 47, Chapter 18.

Section 4. A telecommunications provider or person acting on behalf of a telecommunications provider who violates any provision of this act, any regulation promulgated pursuant to this act or any order issued to enforce the provisions of this act shall be subject to a civil penalty of one hundred dollars (\$100) for each day of any such violation. Such civil penalty shall be due and payable to the authority and shall be credited to the public utility account.

Section 5. Any telecommunications provider or person acting on behalf of a telecommunications provider who violates the provisions of this act or regulations promulgated pursuant thereto shall pay damages to each subscriber affected by such conduct in an amount equal to all charges and fees for services for which the subscriber has not subscribed, including all amounts in excess of allowable charges for such services, and any cost incurred to reinstate the subscriber's original telecommunications service.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved that **House Bill No. 2908**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 2532** -- Election Laws - Establishes review process to secretary of state's administrative law judge rather than chancery court for county election commission. TCA Section 2-12-109 and Section 2-12-209. by *Curtiss. (SB2721 by *Cooper)

Rep. Curtiss moved that House Bill No. 2532 be passed on third and final consideration.

Rep. Cole(Dyer) moved adoption of Amendment No. 1, which motion was immediately withdrawn.

Rep. Cole(Dyer) requested that Amendment No. 1 be moved down 1 place.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2532 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. The employees of the county election commission are county employees and are not to be considered state employees for any purpose.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Cole(Dyer) moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2532 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

nor more than

13,375

13,600

34,850

35,000

On motion, Amendment No. 1 was adopted.

Rep. Cross moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 2532 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

nor more than

35,075

35,200

68,100

68,400

On motion, Amendment No. 3 was adopted.

Rep. Stulce moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 2532 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than two hundred eighty-five thousand (285,000) nor more than two hundred eighty-six thousand (286,000) according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 4 was adopted.

Rep. Walley moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND House Bill No. 2532 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

nor more than

25,300

25,600

37,500

37,800.

On motion, Amendment No. 5 was adopted.

Rep. Walley moved adoption of Amendment No. 6 as follows:

Amendment No. 6

AMEND House Bill No. 2532 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than:

12,700

23,300

nor more than:

13,000

23,400

On motion, Amendment No. 6 was adopted.

Rep. Fitzhugh moved adoption of Amendment No. 7 as follows:

Amendment No. 7

AMEND House Bill No. 2532 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

19,300

23,450

nor more than

19,600

24,000

On motion, Amendment No. 7 was adopted.

Rep. Curtiss moved that House Bill No(s). 2532 be reset for the Regular Calendar on March 18, 1998, which motion prevailed.

***House Bill No. 2760** -- Regional Authorities - Revises allocation of Giles County's portion of remaining funds distributed to counties following abolition of Tennessee Elk River Agency. Chapter 816 of the Public Acts of 1996. by *Fowlkes. (SB3088 by *Cooper)

On motion, House Bill No. 2760 was made to conform with **Senate Bill No. 3088**; the Senate Bill was substituted for the House Bill.

Rep. Fowlkes moved that **Senate Bill No. 3088** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 3222** -- Courts, General Sessions - Gives general sessions court judge authority to suspend costs and litigation taxes for indigent criminal defendant. by *Stulce. (SB3265 by *Crutchfield)

Rep. Stulce moved that **House Bill No. 3222** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	78
Noes	11
Present and not voting	4

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Gunnels, Halteman-Harwell, Hargrove, Hassell, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Newton, Odom, Patton, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Rhea), Walley, West, White, Williams, Windle, Winningham, Wood -- 78.

Representatives voting no were: Givens, Godsey, Goins, Hargett, McKee, Mumpower, Phelan, Pleasant, Rinks, Walker (Blount), Westmoreland -- 11.

Representatives present and not voting were: Cole (Dyer), Head, Jackson, Kernell -- 4.

A motion to reconsider was tabled.

House Bill No. 530 -- Highways, Roads and Bridges - Increases speed limit on interstate highways from 65 to 70 mph. TCA Title 55. by *Burchett, *Clabough (H), *Buck, *Robinson, *Newton, *Hargett, *Haley, *Pleasant. (*SB54 by *Cohen, *Miller J)

On motion, House Bill No. 530 was made to conform with **Senate Bill No. 54**; the Senate Bill was substituted for the House Bill.

Rep. Burchett moved that Senate Bill No. 54 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Burchett moved that **Senate Bill No. 54** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 85
Noes 11

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kisber, Langster, Lewis, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Arriola, Chumney, Fitzhugh, Ford, Fowlkes, Kernell, Maddox, McAfee, McDaniel, West, Winningham -- 11.

A motion to reconsider was tabled.

***House Bill No. 2102** -- Jails, Local Lock-ups - Authorizes county legislative body to disburse certain percentage of wages or salary of employed prisoner in workhouse or local jail to existing county victim's assistance program. TCA Section 41-2-129. by *Hargett. (SB2684 by *Kyle)

Rep. Hargett moved that House Bill No. 2102 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2102 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 41-2-129, is amended by deleting subsection (c) and substituting instead the following:

(c) By order of the county board of commissioners, or county legislative body if there is no county board of commissioners, or in the case of jail prisoners, the wages or salaries of employed prisoners shall be disbursed for the following purposes in the order stated:

(1) The board of the prisoner;

(2) Necessary travel expense to and from work and other incidental expenses of the prisoner;

(3) Support of the prisoner's dependents, if any, the amount to be determined by the local governing body of the county workhouse or by the county legislative body in the case of jail prisoners;

(4) Payment of docket costs connected with the commitment of the person;

(5) Payment either in full or ratably of the prisoner's obligations acknowledged by the prisoner in writing or which have been reduced to judgment; and

(6) The balance if any to the prisoner upon the prisoner's discharge less an amount equal to two percent (2%) of such balance which shall be applied to the county-operated victim's assistance program, if such a program exists in the county.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Hargett moved that **House Bill No. 2102**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2224** -- Revenue, Dept. of - Permits department to require electronic filing of returns and supporting documentation if taxpayer required to pay taxes by electronic funds transfer. TCA Section 67-1-703. by *Gunnels, *McDaniel. (SB2239 by *Ramsey, *Atchley)

On motion, House Bill No. 2224 was made to conform with **Senate Bill No. 2239**; the Senate Bill was substituted for the House Bill.

Rep. Gunnels moved that Senate Bill No. 2239 be passed on third and final consideration.

On motion, Rep. Kisber withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. Gunnels moved that **Senate Bill No. 2239** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 2090 -- Probation - Provides that, in determining whether a probation violation has occurred, court may rely upon certified lab report as to the chemical composition of substance in lieu of live testimony of lab technician who performed tests. TCA Title 40, Chapter 35, Part 3. by *Goins. (*SB2138 by *McNally)

Rep. Goins moved that House Bill No. 2090 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2090 by deleting the amendatory language of SECTION 1 and substituting instead the following:

(c)(1) A laboratory report regarding a defendant's drug test may be admissible in probation revocation proceedings, even though the laboratory technician who performed the test is not present to testify, when accompanied by an affidavit containing at least the following information:

(A) The identity of the certifying technician;

(B) A statement of qualifications from the certifying technician;

(C) A specific description of the testing methodology;

(D) A statement of scientific reliability for the method used to test the particular drug;

(E) A certification that the test results were reliable and accurate; and

(F) A declaration that all established procedures and protocols were followed.

(2) Notwithstanding the provisions of subsection (c)(1), the judge shall, upon seasonable objection and for good cause shown, require that the laboratory technician appear and testify at the probation revocation hearing.

On motion, Amendment No. 1 was adopted.

Rep. Goins moved that **House Bill No. 2090**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Brooks -- 1.

A motion to reconsider was tabled.

***House Bill No. 2932** -- Utilities, Utility Districts - Increases maximum possible per diem payment for commissioner of financially sound natural gas utility district from \$300 to \$500. TCA Title 7, Chapter 82, Part 3. by *Buck, *Cross, *Bone. (SB3130 by *Rochelle)

Rep. Buck moved that House Bill No. 2932 be passed on third and final consideration.

Rep. Stulce moved the previous question, which motion prevailed.

Rep. Buck moved that **House Bill No. 2932** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 61
Noes 4
Present and not voting 26

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Cole (Carter), Cooper, Cross, Curtiss, Davis, DeBerry J., DeBerry L., Dunn, Fitzhugh, Fraley, Garrett, Goins, Gunnels, Haley, Halteman-Harwell, Hassell, Hicks, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Langster, Lewis, Maddox, McDaniel, Miller, Odom, Phelan, Phillips, Pinion, Pleasant, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Wood -- 61.

Representatives voting no were: Burchett, Givens, Godsey, Hargett -- 4.

Representatives present and not voting were: Caldwell, Chumney, Cole (Dyer), Davidson, Eckles, Ferguson, Ford, Fowlkes, Hargrove, Hood, Kisber, McAfee, McDonald, McKee, Mumpower, Newton, Patton, Rhinehart, Ridgeway, Rinks, Westmoreland, White, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 26.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on House Bill No. 2932 and have this statement entered in the Journal: Rep(s). Goins.

REGULAR CALENDAR, CONTINUED

***House Bill No. 3205** -- County Officers - Authorizes register of deeds of Smith County to collect \$2.00 data processing fee for purchase and maintenance of computers and supplies upon adoption of resolution by 2/3 vote of county legislative body. TCA Section 8-21-1001. by *Buck. (SB3285 by *Rochelle)

Rep. Buck moved that House Bill No. 3205 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3205 by adding the following language at the end of the amendatory language of Section 1:

The county register shall not be entitled to demand and receive any fees for notices of liens for overdue child or spousal support or releases of the same entered into a computer system with a terminal in the county register's office by the department of human services pursuant to §36-5-901(b)(3).

On motion, Amendment No. 1 was adopted.

Rep. Jackson moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 3205 by deleting from Section 1 the language "two dollars (\$2.00)" and substituting instead the language "two hundred dollars (\$200)".

Rep. Buck moved that Amendment No. 2 be tabled, which motion failed by the following vote:

Ayes	22
Noes	54

Representatives voting aye were: Bone, Boyer, Burchett, Cole (Carter), Cross, Curtiss, Dunn, Fowlkes, Garrett, Hassell, Jones U., Kernell, McAfee, Newton, Robinson, Stamps, Stulce, Tidwell, Tindell, Walker (Rhea), West, Windle -- 22.

Representatives voting no were: Armstrong, Arriola, Beavers, Bittle, Bowers, Brooks, Brown, Buck, Caldwell, Chumney, Cole (Dyer), Davidson, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargrove, Head, Hicks, Hood, Jackson, Jones S., Kent, Langster, Lewis, Maddox, McDaniel, McKee, McMillan, Miller, Odom, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Sands, Sargent, Scroggs, Sharp, Towns, Walker (Blount), Westmoreland, White, Wood -- 54.

Rep. Jackson moved adoption of Amendment No. 2, which motion failed.

Rep. Buck moved that **House Bill No. 3205**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Hargett -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from no to aye on House Bill No. 3205 and have this statement entered in the Journal: Rep(s). Hargett.

REGULAR CALENDAR, CONTINUED

***House Bill No. 3026** -- Emergency Communications Districts - Authorizes county election commission to request and receive unpublished telephone numbers or addresses in possession of emergency communication district for purpose of compiling voter mailing list for county TCA Title 10, Chapter 7. by *Buck. (SB3176 by *Cohen)

Rep. Buck moved that House Bill No. 3026 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3026 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 10-7-504(e), is amended by inserting the following language at the end of the subsection:

Provided, however, addresses held with such unpublished telephone numbers, or addresses otherwise collected or compiled, and in the possession of emergency communications districts created pursuant to title 7, chapter 86, shall be made available upon written request to any county election commission for the purpose of compiling a voter mailing list for a respective county.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Givens moved the previous question, which motion prevailed.

Rep. Buck moved that **House Bill No. 3026**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 51
Noes 35
Present and not voting 4

Representatives voting aye were: Arriola, Beavers, Bone, Brown, Buck, Cross, Curtiss, Davidson, Davis, Dunn, Fitzhugh, Fowlkes, Fraley, Garrett, Goins, Gunnels, Halteman-Harwell, Hassell, Head, Hicks, Huskey, Jackson, Jones S., Jones U., Kent, Kisber, Langster, Maddox, McAfee, McDaniel, McDonald, McMillan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Ritchie, Roach, Robinson, Scroggs, Stamps, Stulce, Tidwell, Tindell, Walker (Blount), Walker (Rhea), West, Williams, Windle, Wood -- 51.

Representatives voting no were: Armstrong, Bird, Bittle, Bowers, Boyer, Brooks, Burchett, Chumney, Cole (Carter), Cole (Dyer), DeBerry L., Ferguson, Ford, Givens, Godsey, Haley, Hood, Kernell, Lewis, McKee, Miller, Mumpower, Newton, Odom, Patton, Phelan, Rinks, Sargent, Sharp, Towns, Turner (Shelby), Walley, Westmoreland, Winningham, Mr. Speaker Naifeh -- 35.

Representatives present and not voting were: Caldwell, Cooper, Sands, White -- 4.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Winningham moved to suspend the Rules to allow the House to act on the Senate Message on House Bill No. 2987, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2987 -- Byrdstown - Subject to local approval, changes date for ratification of revised charter Chapter 88 of the Private Acts of 1997, by *Winningham. (SB3243 by *Burks)

Senate Amendment No. 1

AMEND House Bill No. 2987 by deleting the second sentence from the amendatory language of Section 1, and by substituting instead the following:

The election shall be held on May 5, 1998, and the ballots shall have printed on them the substance of this act and the voters shall vote for or against its approval.

Rep. Winningham moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2987**, which motion prevailed by the following vote:

Ayes..... 92
Noes 0

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on March 16, 1998:

House Bill No. 2685: by Rep. Rhinehart

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on March 18, 1998:

House Bill No. 1740: by Rep. Head

ENGROSSED BILLS

March 12, 1998

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2090, 2102, 2286, 2512, 2908, 2932, 3026, 3205 and 3222, also, House Joint Resolution(s) No(s). 582, 583, 584, 585, 586, 587, 588, 589, 591, 592, 594 and 595.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 12, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1102, 2256, 2583, 2696 and 3056; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 1102** -- County Officers - Increases from \$65.00 to \$75.00 per diem compensation of Wilson County court officers TCA Section 8-21-901. by *Rochelle.

THURSDAY, MARCH 12, 1998 -- SEVENTY-THIRD LEGISLATIVE DAY

***Senate Bill No. 2256** -- Criminal Offenses - Expands Class A misdemeanor of being improperly on school grounds to include school buses; expands civil cause of action for intentional assault on school personnel to include assault committed on vehicle used to transport students or faculty. TCA Section 49-6-2008. by *Springer, *Williams.

***Senate Bill No. 2583** -- Penal and Reformatory Institutions - Clarifies that provisions requiring notification of certain officials upon escape of inmate; includes any escape from a prison or facility operated by private prison contractor. TCA Title 41. by *Herron.

***Senate Bill No. 2696** -- Public Records - Makes records and other documents concerning Tennessee inmate being housed in facility operated by private prison contractor public records to same extent they would be public if inmate housed in department of correction facility TCA Title 10, Chapter 7 and Title 41. by *Herron.

***Senate Bill No. 3056** -- Pardons and Paroles - Extends provision relative to number of board members it takes to parole or revoke parole to offenses that were repealed on 11/1/89. TCA Section 40-28-105. by *Haynes.

MESSAGE FROM THE SENATE

March 12, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3374, 3375, 3376, 3377, 3378, 3379 and 3380; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE GOVERNOR

March 12, 1998

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 497, 540, 541, 542, 543 and 544, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

ENROLLED BILLS

March 12, 1998

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 556, 557, 558, 559, 560, 562 and 563; also, House Resolution(s) No(s). 170 and 172.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

March 12, 1998

The Speaker signed the following: House Joint Resolution(s) No(s). 556, 557, 558, 559, 560, 562 and 563; also, House Resolution(s) No(s). 170 and 172.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK
March 12, 1998

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 2025, 2116, 2121, 2359, 2481, 2739 and 2987; also, House Joint Resolution(s) No(s). 571.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

CONSENT CALENDAR
March 12, 1998

The following local bills have been placed on the Consent Calendar for **March 16, 1998**: House Bill(s) No(s). 3372, 3382, 3383, 3384, 3385 and 3388.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 5:00 p.m., Monday, March 16, 1998.